

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

**LISA MASSON D/B/A
LISA MASSON PHOTOGRAPHY**

PLAINTIFF,

v.

PRIZER-PAINTER STOVE WORKS, INC.

DEFENDANT.

CASE NO.: 1:13-cv-3295

**OPPOSITION TO MOTION FOR EXTENSION OF TIME
TO RESPOND TO THE COMPLAINT**

Plaintiff Lisa Masson, d/b/a Lisa Masson Photography (“Masson”), through her undersigned attorneys, hereby opposes Defendant’s request for a 30-day extension of time in which to respond to the Complaint in this matter.

1. On September 5, 2013, Masson sent a certified letter to Michael Trapp, President of Prizer-Painter Stove Works, Inc. (“Prizer”) advising Prizer of the infringement alleged in this action and attaching copies of the photographs at issue. A copy of this letter is attached to the Complaint. Although this letter was signed for, Plaintiff received no response.

2. On October 15, 2013, Plaintiff’s counsel sent a letter to Mr. Trapp discussing the same infringement and noting that Mr. Trapp also had previously been notified by The Fretz Corporation that Prizer had infringed upon Masson’s copyrights.

3. On October 16, 2013, counsel for Defendant sent a letter to counsel for Plaintiff stating that the law firm of Jones Day was investigating the matters raised in the October 15, 2013 letter.

4. The Complaint in this matter was filed three weeks later, on November 6, 2013, and was served on Defendant on November 12, 2013. Thus, as of the date of service of the Complaint, Jones Day already had been aware of the issues alleged in this lawsuit and investigating them for at least 27 days.

5. On November 12, 2013, defense counsel contacted Plaintiff's counsel and requested a 30-day extension of the time in which to respond to the Complaint. Plaintiff's counsel responded that a 30-day extension is too long in light of the time already expended investigating this matter before the filing of the Complaint. However, Plaintiff's counsel, James B. Astrachan, offered Prizer a 10-day extension. Defense counsel rejected this offer and filed its motion with the Court.

6. Plaintiff opposes a 30-day extension in this matter on the grounds that it would create an unnecessary delay in these proceedings, thereby prejudicing her. Plaintiff has alleged that Prizer continues to infringe upon her copyrights despite the filing of this lawsuit, and accordingly, prolonging the litigation of this matter harms Plaintiff.

7. Jones Day is a large firm with offices around the world, including a local office in Washington, D.C., in addition to the Cleveland, Ohio office where Mr. Fraelich is located.

8. Mr. Fraelich has been investigating this matter since at least October 16, 2013. In the normal course of events, Defendant's answer is due on December 6, 2013, which gives Jones Day 51 days from the time it began its investigation to formulate a response to the Complaint.

9. A 30-day extension on top of those 51 days—extending the answer due date from December 6, 2013 to January 6, 2014—would essentially give defense counsel 81 days in which to respond to the Complaint. This amount of time is simply unnecessary and prejudices Plaintiff by prolonging Defendant’s unauthorized use of her copyrighted photographs.

WHEREFORE, Plaintiff respectfully requests that the Court deny Defendant’s Motion to Extend Time to Respond to Complaint.

Respectfully Submitted,

Date: November 18, 2013

/s/ James B. Astrachan

James B. Astrachan, Bar No. 03566
Christopher J. Lyon, Bar No. 27443
Elizabeth A. Harlan, Bar No. 18285
Astrachan Gunst Thomas, P.C.
217 East Redwood Street, 21st Floor
Baltimore, Maryland 21202
410.783.3550 telephone
410.783.3530 facsimile

jastrachan@agtlawyers.com
clyon@agtlawyers.com
charlan@agtlawyers.com